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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,719	08/20/2003	Kenneth J. Fennewald	94004-88254	6120

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EXAMINER

KASENGE, CHARLES R

ART UNIT PAPER NUMBER

2125

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/644,719

Applicant(s)

FENNEWALD ET AL.

Examiner

Charles R. Kasenge

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10-12, 19-21, 24, 25, 28-30, 32, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 6, 9, 13-18, 22, 23, 26, 27 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/1/03</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 8, 10-12, 19-21, 24, 25, 28-30, 32, 34, and 35 are rejected under 35

U.S.C. 102(b) as being anticipated by Siefert U.S. Patent 6,355,916. Referring to claims 1 and 2, Siefert discloses a control system that limits the wattage provided by a heat-producing element to a value less than that produced at full line voltage, the system comprising (col. 5, lines 7-10): at least one heat-producing means (Fig. 5, 30); a power control means operatively associated with said at least one heat-producing means (Fig. 5, 30 and 46; col. 5, lines 7-10); and a power limiting function that limits the wattage provided by said at least one heat-producing means to a value less than that produced at a full line voltage through the use of a scaling function (col. 5, lines 19-25). Siefert discloses the control system according to claim 1 wherein said power limiting function and said scaling function resides in a module attached to said at least one heat-producing means or operatively placed between said power control means and said at least one heat-producing means (Fig. 5, 30 and 46; col. 5, lines 7-10).

Referring to claims 3-5 and 7, Siefert discloses the control system according to claim 1 wherein said power limiting function and said scaling function resides in a module operatively placed between a power source and said power control means (Fig. 5, 30 and 46; col. 5, lines 7-10). Siefert discloses the control system according to claim 1 wherein said power limiting

Art Unit: 2125

function and said scaling function resides in said power control means operatively placed between a power source and said at least one heat-producing means (Fig. 5, 30 and 46; col. 5, lines 7-10). Siefert discloses the control system according to claim 1 wherein said power limiting function and said scaling function resides in a module operatively placed between the output of any control device and the control input to said power control means which controls said at least one heat-producing means (Fig. 5, 30 and 46; col. 5, lines 7-10). Siefert discloses the control system according to claim 1 further comprising a temperature controller, said temperature controller including: a temperature sensing function such that a process temperature operatively associated with said at least one heat-producing means may be determined; a temperature comparison function for comparing a temperature associated with said at least one heat-producing means with a set point temperature and determining the required output; and an output function that provides, directly or through the use of an ancillary power control means, a method to vary the power supplied to the heat-producing means (col. 2 and 3, lines 62-67 and 1-12).

Referring to claims 8, 20, 28-30, 34, and 35, Siefert discloses a variable wattage control system for providing varying wattage levels for a power-receiving device, the system comprising: at least one power-receiving device operatively associated with a temperature sensing means; the temperature sensing means communicating with a temperature controller for comparing a sensed temperature with a predetermined set point; a power controller operatively associated with said temperature controller for providing energization of said at least one power-receiving device at a selected maximum wattage level (col. 2 and 3, lines 62-67 and 1-12); the temperature controller being operative such that, if said sensed temperature, when compared to the set point, indicates that the system requires heat, the temperature controller directs the power

Art Unit: 2125

controller to energize said at least one power-receiving device, which is limited to a specific maximum wattage level (col. 5 and 6, lines 65-67 and 1-22); a micro-controller which determines a power output scaling factor based on the percentage of a full line voltage being applied to said at least one power-receiving device and then scales said power output scaling factor accordingly; said power output scaling factor determining the maximum percentage power to be applied to said at least one power-receiving device (col. 6 and 7, lines 60-67 and 1-9); and such that a said at least one power-receiving device may be driven at different power levels for various applications (col. 5, lines 19-25).

Referring to claims 10-12, Siefert discloses the variable wattage control system according to claim 8, wherein said temperature controller operates such that temperature readings are communicated to said temperature controller by said sensing means, and when said temperature readings are so communicated, said temperature controller then provides a re-scaled output to said power controller which limits and re-scales the amount of voltage applied to said at least one power-receiving device, whereby said power controller permits multiple wattage values to be obtained from a single resistance value of said at least one power-receiving device (col. 5 and 6, lines 66-67 and 1-22). Siefert discloses the variable wattage control system according to claim 10 wherein said scaling allows said at least one power-receiving device having a single wattage rating to be used as a power-receiving device having multiple wattage applications (col. 2 and 3, lines 62-67 and 1-12). Siefert discloses the variable wattage control system according to claim 11 further being capable of powering any type of possible said at least one power-receiving device within a range of possible power ratings, and by change of said scaling factor, such that system operation is matched to the maximum desired power level of said at least one heat producing

Art Unit: 2125

means (col. 6, lines 37-45).

Referring to claims 19, 21, 24, 25, and 32, Siefert discloses the variable wattage control system according to claim 8 wherein said scaling function is optionally manually preset or is preset prior to shipment to the end user or is electronically communicated to the system or is determined automatically by the system in response to a user input (col. 5, lines 19-25). Siefert discloses the variable wattage control system according to claim 20 wherein a software subsystem is either part of said temperature controller, or part of said power control means, or is a separate arrangement operatively associated between said power control means and said heating-producing means or between said temperature controller and said power control means (Fig. 5). Siefert discloses the variable wattage control system according to claim 20 wherein said power control means controls power level supplied to said heating-producing means by semiconductor power control or mechanical power switching means (Fig. 5).

***Allowable Subject Matter***

3. Claim 33 is allowed.
4. Claims 6, 9, 13-18, 22, 23, 26, 27, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

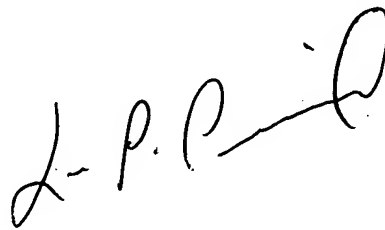
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK  
June 16, 2005

A handwritten signature in black ink, appearing to read "L. Picard", with a stylized flourish at the end.

LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100